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C O N F I D E N T I A L STATE 295096

NAIROBI - PLEASE HOLD FOR DAVE RAWSON
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E.O. 12356: DECL: OADR
TAGS: MOPS, PREL, AORC, OAU, RW, NI, ZI, SG
SUBJECT: ARUSHA III TALKS: INITIAL POSITIONS

REF: (A) 92 STATE 284576

1. C- ENTIRE TEXT.
2. SUMMARY: THE RPF AND GOR POSITIONS ON POWER SHARING

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ARE FAR APART AND THE PARTIES MAY HAVE TROUBLE FINDING ROOM FOR COMPROMISE. THE RPF INSISTS ON A NATIONAL COUNCIL OF RECONCILIATION WHICH WILL ASSUME LEGISLATIVE AND EXECUTIVE POWERS FOR AN INTERIM PERIOD OF FOUR YEARS. A POSITION THAT THE GOR CAN NOT ACCEPT. TANZANIAN FOREIGN MINISTER DIRIA HAS ASKED FOR USG INTERVENTION WITH THE RPF TO ENCOURAGE FLEXIBILITY. WE BELIEVE THIS MAY ALSO BE A GOOD TIME TO START PUSHING HARD OUR IDEA OF THE JPMC AS THE UMBRELLA COMMISSION, UNDER WHICH SUBCOMMISSIONS FOR VARIOUS ISSUES COULD BE CREATED. END SUMMARY.

3. THIS CABLE WAS DRAFTED BY DAVE RAWSON IN ARUSHA AND EDITED IN WASHINGTON WITH COMMENTS.

OPENING GOR AND RPF POSITIONS

4. AFTER TWO DAYS' SUSPENSION OF TALKS TO ALLOW THE GOR AND RPF TO PREPARE AND REVIEW POSITION PAPERS THE PLENARY SESSIONS OPENED 5 PM SEPTEMBER 9 UNDER THE CHAIRMANSHIP OF

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TANZANIAN PRINCIPAL SECRETARY MBAPILA. FOREIGN MINISTER DIRIA HAD GONE TO DODOMA FOR A PARTY MEETING BUT RETURNED LATER THAT EVENING FOR PRIVATE CONSULTATIONS WITH NEGOTIATORS. IN THE PLENARY SESSION. EACH SIDE COMMENTED ON DOCUMENTS PRESENTED BY THE OTHER.

3. MINISTER NGULINZIRA QUESTIONED THE DIFFERENCE BETWEEN THE APPARENT FLEXIBILITY OF BIZIMUNGU'S OPENING REMARKS AND THE MAXIMALIST POSITION FOUND IN THE RPF DOCUMENT. SPECIFICALLY, DID THE RPF INTEND THAT INSTITUTIONS BE MAINTAINED OR DISSOLVED DURING THE INTERIM PERIOD? DID THE PROPOSED NATIONAL COMMITTEE FOR RECONCILIATION. WITH ITS LIMITED MEMBERSHIP AND EXTENSIVE POWERS, REPRESENT THE SPIRIT OF NATIONAL UNITY AND RECONCILIATION? DID THE RPF WANT TO AMEND THE CONSTITUTION OR SUBSTITUTE A NEW DOCUMENT FOR IT? DID THE RPF WANT A FULL "CLEANSING" (ASSAINISSEMENT) OF THE ADMINISTRATION OR DISMISSAL OF ADMINISTRATIVE PERSONNEL?

4. BIZIMUNGU ARGUED THAT THE 1991 CONSTITUTION CONSECRATES THE COUP OF 1973 AND THE DICTATORIAL RULE OF HABYARIMANA AND THAT NOTHING IN THE CONSTITUTION ALLOWS FOR THE SHARING OF POWER. HE ASSERTED FURTHER THAT

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NOTHING IN THE GOR'S PROPOSAL REALLY TALKED ABOUT POWER SHARING. FOR THE RPF, ARTICLE 5 OF THE GOR PROPOSAL INVITING THE RPF TO KIGALI TO DISCUSS THE DISTRIBUTION OF GOVERNMENT PORTFOLIOS WAS A MOCKERY AND AN ABDICATION OF THE GOVERNMENT'S RESPONSIBILITY. FINALLY, BIZIMUNGU GAVE GRUDGING ADMISSION THAT ARTICLES 6. 8. AND 9 IN THE GOR PROPOSAL HAD SOME POTENTIAL.

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5. THE PLENARY SESSION RESUMED THE MORNING OF SEPT. 10 TO HEAR A LONG COMMENTARY BY FOREIGN MINISTER NGULINZIRA ON THE RPF DOCUMENTS WHICH CLARIFIED THE GOR POSITION OF POWER SHARING AND OPENED THE DOOR TO CONSTITUTIONAL CHANGE THROUGH LEGAL CHANNELS. THE RPF HAS DEMANDED ONE DAY TO PREPARE A REPLY, AND THE NEXT PLENARY SESSION HAS BEEN SET FOR 4 PM SEPTEMBER 11. MEANWHILE. SENIOR MEMBERS OF THE DELEGATIONS ARE MEETING TO SET FORTH AREAS OF AGREEMENT IN UNIFIED WORKING DOCUMENTS.

OBSERVER CONCERNS

6. FOREIGN MINISTER DIRIA CONVOKED OBSERVER RAWSON AT MIDNIGHT TO DISCUSS PROSPECTS OF THE TALKS. HE NOTED SOME FLEXIBILITY IN THE GOR'S POSITION, BUT LITTLE GIVE ON THE RPF SIDE. (COMMENT: RAWSON CONFIRMED THAT NGULINIZIRA SHOWED MORE FLEXIBILITY SEPTEMBER 10 THAN DURING HIS OPENING REMARKS. BUT THAT SO FAR THE RPF IS "STICKING TO ITS GUNS"--AT THE MOMENT, A FIGURE OF SPEECH. RPF STRATEGIST RUDASINGWA TOLD HIM THAT THE RPF IS REALLY SEEKING DEVOLUTION OF POWER AND GUARANTEES OF SECURITY FOR RPF PERSONNEL DURING THE TRANSITION PERIOD. RAWSON HAS NOT YET HAD AN INDIVIDUAL MEETING WITH HARDLINE NEGOTIATOR BIZIMUNGU, BUT CONFIRMS THAT THE INITIAL POSITION OF THE RPF LOOKS LIKE A REAL TAKEOVER OF POWER. END COMMENT.)

7. DIRIA ASKED IF THE USG COULD CONTACT CHAIRMAN KANYARENGWE, WHO IS BELIEVED TO BE IN DAKAR, AND EXPLAIN THAT THE RPF PROPOSAL FOR A NATIONAL COMMITTEE OF RECONCILIATION COULD NOT BE ACCEPTABLE TO THE GOR IN THAT

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IT WOULD REPLACE A CONSTITUTION ESTABLISHED BY A POPULARLY SANCTIONED REFERENDUM AND ALLOCATE MOST POWERS TO A SELF-APPOINTED COMMITTEE ESTABLISHED BY ITS OWN (RPF PROPOSED) CHARTER. FURTHER, THE PROPOSAL IS NOT ACCEPTABLE IN THAT IT CONCENTRATES ALL POWER IN THE NATIONAL COMMITTEE, STRIPS AWAY THE LEGAL BASIS FOR GUARANTEEING RIGHTS OF THE PEOPLE AND AUTHORITY OF INSTITUTIONS. AND PUSHES BACK THE DEMOCRATIC PROCESS FOR FOUR YEARS. DIRIA ASKED THAT THE USG URGE KANYARENGWE TO HAVE HIS NEGOTIATORS SEEK OTHER FORMS OF POWER SHARING THAT WOULD ACHIEVE THEIR OBJECTIVES OF SECURITY, PROMOTION OF DEMOCRACY, AND ABSENCE OF SECTARIANISM. (COMMENT: THE WORD "SECTARIANISM" IS BEING USED IN ARUSHA TO SYMBOLIZE ETHNIC ORIENTATION. END COMMENT.)

COMMENT

8. ALTHOUGH THE RPF PROPOSAL CERTAINLY APPEARS HARDLINE. WE BELIEVE THAT IT IS TOO SOON TO PANIC ABOUT AN IMPASSE. DAVE RAWSON WILL CONTACT BIZIMUNGU AND SENIOR MILITARY ADVISOR CHARLY SNYDER WILL TALK BY PHONE WITH RUDASINGWA BEFORE THE NEXT PLENARY SESSION SEPTEMBER 11 TO ENCOURAGE FLEXIBILITY ON THE PART OF THE RPF AND TO SUGGEST SOME MORE PRODUCTIVE NEGOTIATING TECHNIQUES. IF THE TALKS STALL FURTHER, WE WILL CONSIDER CONTACTING CHAIRMAN KANYARENGWE AT A HIGHER LEVEL.

9. ALTHOUGH WE HAVE BEEN HESITANT TO MAKE SPECIFIC

PROPOSALS TO THE GOR AND THE RPF, THIS MAY BE THE TIME TO
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PUSH HARD THE IDEA OF STRENGTHENING THE JPMC AS AN UMBRELLA COMMISSION UNDER WHICH SUBCOMMISSIONS FOR VARIOUS ISSUES COULD BE CREATED. THE ADVANTAGE OF THE JPMC, AS NOTED IN REFTTEL. IS THAT IT ALREADY EXISTS AND ITS MANDATE. AS ALREADY AGREED BY THE PARTIES, IS POTENTIALLY VERY BROAD AND FLEXIBLE. MOREOVER, IT'S A GOR/RPF BODY. NOT AN INSTITUTION WHERE THE POLITICAL PARTIES AS SUCH ARE PLAYERS. WE CAN THEREBY NUDGE THE GOR AND THE RPF AWAY FROM DEALING WITH THE CONSTITUTIONAL ISSUE AND THE CONCEPT OF THE SUPREME COUNCIL TOWARDS THE COMPROMISE OF THE JPMC. WE ENCOURAGE ALL PARTIES HAVING CONTACT WITH EITHER THE RPF OR THE GOR TO REINFORCE THIS IDEA.

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